

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEVADA JOINT UNION HIGH SCHOOL
DISTRICT, GRASS VALLEY SCHOOL
DISTRICT, AND NEVADA CITY
SCHOOL DISTRICT.

OAH Case No. 2015030003

ORDER PARTIALLY GRANTING
REQUEST FOR CONTINUANCE AND
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On April 15, 2015, the parties jointly filed a request to continue the due process hearing dates in this matter because the parties would like an additional mediation date set in order assist the parties in their negotiations. The parties requested that the due process hearing be continued to June 1-4, 2015, and that a second mediation be scheduled for April 22, 2015. This is the second request for a continuance in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings (OAH) considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for continuance for good cause and considered all relevant facts and circumstances. Good cause is established for a continuance of the prehearing conference and the hearings dates. However, the parties request for April 22,

2015, as a mediation date is not granted and the request to schedule the hearing to begin on June 1, 2015, is not granted because OAH does not schedule any hearings on the first Monday of the month. The continuance request is:

☒ Partially Granted. Accordingly, all dates are vacated, and this matter is reset as follows:

Prehearing Conference: **May 22, 2015, at 1:00 PM**

Due Process Hearing: **June 2-4, 2015**, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. The hearing shall begin at 9:00 a.m. and end at 5:00 p.m. each day, with the exception of June 2, 2015, when the hearing shall begin at 9:30 a.m., unless otherwise ordered.

The parties are advised that no further continuances will be granted absent a showing of exceptional good cause.

Regarding the parties' request for a second mediation on April 22, 2015, that request is denied as OAH is unable to accommodate the request for that specific date. In addition, the parties have requested that the rescheduled mediation be from 2-6 p.m., and with the Presiding Administrative Law Judge (PALJ) Margaret Broussard. PALJ Broussard is unavailable for mediations. The parties should also note that mediations are scheduled to end no later than 5:00 p.m. The parties may file another request for a second mediation date.

IT IS SO ORDERED.

DATE: April 15, 2015

/s/

ADENIYI AYOADE

Administrative Law Judge

Office of Administrative Hearings